

ABSTRACT

[illegible]

G.O.Rt No. 662

Dated:01-05-2012

Read the following:

1. From the Collector, Nellore district Lr.No. A1/316/2007, Dt: 13-5-2007.
2. G.O.Rt.No.1700, Rev (Vig.III) Dept., Dt: 4-8-2007.
3. From Sri M. Venkateswarlu, RDO, written statement of defence, Dt: 23-7-2009.
4. Govt. Memo No. 26068/Vig.III (1)/2007-5, Dt: 5-8-2009.
5. From the Chief Commissioner of Land Administration, A.P., Hyderabad, Lr. No. VS I (1)/1005/2007, Dated: 27-6-2011 together with the copy of Lr. No. A1/2315/2007, Dt: 16-6-2011 of the Collector, SPSR Nellore district.
6. G.O.Rt.No.1224, Rev (Vig.III) Dept., Dt:14-10-2011.
7. From Sri M. Venkateswarlu, RDO, Kandukur repn. dt: 15-2-2012

The Collector, Nellore district in his report 1st read above, while furnishing the draft article of charges against Sri M. Venkateswarlu, Revenue Divisional Officer has reported that Sri M. Venkatesarlu, former Revenue Divisional Officer, Nellore & L.R.T, Nellore has allowed a fraudulent claim of the declarants in C.C No. 1729/NLR/75 and C.C No. 1419/NLR/75 that Ac.8.92 cts. of land as non agricultural land though in fact it is not so in his procgs. in C.C.No.1729/NLR/75 & C.C.No.1419/NLR/75, Dated:29-4-2002 and therefore, requested the Government to initiate disciplinary action against him under A.P.C.S (CC&A) Rules, 1991.

2. Government after careful examination of the report of the Collector, Nellore district have issued article of charges in the G.O 2nd read above, to Sri M. Venkateswarlu former Revenue Divisional Officer & LRT, Nellore duly calling for his written statement of defence. Sri M. Venkateswarlu, former Revenue Divisional Officer & LRT, Nellore in the ref. 3rd read above has submitted his written statement of defence denying the charges and requested the Govt. to drop further action against him. Since, the written statement of defence of the charged officer is not convincing, Government in the memo 4th read above, have called for the remarks of the Chief Commissioner of Land Administration, A.P., Hyderabad. The Chief Commissioner of Land Administration, A.P., Hyderabad in the ref. 5th read above has furnished a copy of the report of the Collector, SPSR Nellore district. The Collector, Nellore district in his report while offering his detailed remarks on the written statement of defence submitted by the charged officer has stated that the Articles of charges 1 and 2 are held not proved and with regard to 3rd Article of charge he has not given any remarks.

3. Govt. after careful examination of the report of Collector, SPSR Nellore district has appointed the Joint Collector, SPSR Nellore district as enquiry officer in the ref. 6th read above under rule 20 of A.P.C.S (CC&A) Rules, 1991 to conduct enquiry into the charges framed against Sri M. Venkateswarlu, former Revenue Divisional Officer & LRT, Nellore.

4. Sri M. Venkateswarlu, former Revenue Divisional Officer & LRT, Nellore and presently working as Revenue Divisional Officer, Kandukur, Prakasam district in the ref. 7th read above has filed a representation before the Government stating that the District Collector S.P.S.R Nellore District has specially mentioned in his report that the Articles of charges 1 and 2 framed against him are held not proved and with regard to 3rd Article of charge he has not given any negative findings. Sri M. Venkateswarlu, Revenue Divisional Officer has further submitted that the Government have again appointed the Joint Collector as Enquiry Officer vide G.O.Rt. No. 1224, Revenue (Vigilance III) Department dated: 14.11.2012 even though the District Collector S.P.S.R Nellore District has submitted detailed enquiry report on all 3 articles of charges vide his Rc. No. A1/2315/2007 dated 16.06.2011 which is in contrary to the hierarchy system.

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5. Sri M. Venkateswarlu, Revenue Divisional Officer, Kandukru further stated that he has appointed Advocate Commissioner upon the representation filed by Smt Yanati Lakshmi Tulasamma the wife and legal heir of Sri Yanati Venkata Subba Reddy and Sri Yanati Venkata Krishna Reddy the declarants in C. C. No. 1729/NLR/75 and C.C.No. 1419/NLR/75 respectively seeking to declare an extent of Acs. 29.32 of land as Non Agriculture land. He further stated that whenever the declarants approach the Land Reforms Tribunal with certain request, it is for the Land Reforms Tribunal to examine it and to give appropriate reply to them after due verification and that request cannot be rejected straight away without proper verification. In that scenario, an Advocate Commissioner has been appointed on the request of the declarants vide proceedings dated 12.06.2002 in order to examine their case and to know the veracity of their claim but not to do any favour and he has not passed any order in regard to the said extent of Ac. 29.32. The quasi judicial functionaries are empowered to appoint Advocate Commissioner under Sec. 30 of CPC., in view of the above provisions laid down in Sec. 30 of CPC, it is not the fault of the delinquent officer to appoint the Advocate Commissioner. All orders passed by the Chairman of Land Reforms Tribunal shall be appealable under Sec. 20 of the APLR (COAH) Act, 1975. If any grievance is there detrimental to the interest of Government the Authorized Officer / Special Tahsildar shall have to file necessary appeal before the land Reforms Appellate Tribunal on behalf of the Government. But, no such appeal was filed by the Authorized Officer/Special Tahsildar on behalf of the Government against the orders passed by the delinquent officer upto the year, 2007.

6. The charged officer further submitted that the Chairman's of the Land Reforms Tribunals cannot be sued, prosecuted or other legal proceeding shall lie against them for any thing which is in good faith done or intended to be done in pursuance of the APLR (COAH) Act, 1975 or any rules made there under as per Sec. 20 of the Act and his successor Sri M. Sudarsana Reddy, the then Revenue Divisional Officer, Nellore has passed orders in favour of the declarants declaring these lands as non agricultural lands and excluded an extent of Ac. 23.74 from the holding of the declarant without have any jurisdiction to do so as there is no direction to pass such orders from any apex courts. He has also stated that charges were also framed against Sri M. Sudarsana Reddy, the then Revenue Divisional Officer, Nellore who was his successor in the post of Revenue Divisional Officer, Nellore as he has passed orders declaring the above said lands as non agricultural lands and excluded an extent of Ac. 23.74 from the holdings of the declarant without orders either from the Appellant Tribunal or from the Hon'ble High Court. He has further submitted that the charges framed against Sri M. Sudarsana Reddy, the then Revenue Divisional Officer, Nellore who was also his successor in the post of Revenue Divisional Officer, Nellore has been exonerated from the charges vide G.O.Rt.No. 1138 Revenue (Vigilance-III) Department dated. 19.09.2011. The charged officer has therefore requested the Govt. to drop further action against him as he is going to retire from service on 31-7-2012 on attaining the age of superannuation

7. Government after careful examination of the matter have decided to drop further action against the charged officer. Accordingly, further action against Sri M. Venkateswarlu, former Revenue Divisional Officer, and Land Reforms Tribunal, Nellore & presently working as Revenue Divisional Officer, Kandukur division, Prakasam district is hereby dropped.

8. The Chief Commissioner of Land Administration, A.P., Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P., Hyderabad
Sri M. Venkateswarlu, RDO, Kandukur division, Prakasam district.
(Through the CCLA, Hyderabad)
The Collector, SPSR Nellore district
The Collector, Prakasam district
Copy to:
The Revenue (Ser.I) Department.
SC/SF.

//FORWARDED BY ORDER//

SECTION OFFICER